IN THE HIGH COURT OF PUNJAB AND HARYANA
CHANDIGARH

CWP No.5152 of 2005
Date of decision: 12. 7.2007

Narinder Singh and others

...Petitioners

vs.

State of Punjab and others

....Respondents

CORAM: HON'BLE MR. JUSTICE ADARSH KUMAR GOEL
HON'BLE MR. JUSTICE AJAI LAMBA

Present: Mr. Raman Sharma, Advocate for the petitioner.
Mr. Suvir Sehgal, Addl.A.G.Punjab for respondent Nos. 1 and 2.
Mr. Puneet Kansal, Advocate for respondent Nos. 3 and 4.

JUDGMENT:

This petition challenges acceptance of options of the petitioners for Voluntary Retirement Scheme (VRS).

Case of the petitioners is that the Government of Punjab introduced VRS in Punjab Cooperative Cotton Marketing and Spinning Mills Federation Limited, Chandigarh on 23.5.2003, Annexure P.1. Out of 80 employees, all except two submitted their options. The said two employees were dismissed. The petitioners gave their options for VRS. Vide Annexure P.4, the petitioners

made an application that they may be adjusted in other departments. On 28.7.2003 (Annexure P5), a representation was made that their case of VRS be kept pending till proceedings for their adjustment are finalised. Still, vide letter dated 29.7.2003 (Anneuxre P6), the petitioners were informed that they stood relieved and their options for VRS were accepted. The petitioners made a representation Annexure P.7 which was not accepted.

In the reply filed by the Joint Registrar (Planning) Cooperative Societies, it has been stated that establishments where the petitioners were working were under liquidation and the petitioners took VRS and also the benefits under the said scheme.

On behalf of respondent No.4 – Liquidator of the Cooperative Society, it has been stated that having regard to the affairs of the Society, the same was brought under winding up and VRS was introduced in the interest of the employees, there being no other alternative to retain the employees.

In the replication filed, reference has been made to judgment of this Court in **Gurcharan Singh v. Food Corporation and others,** 2006(1) PLR 97, laying down that after withdrawal of request for voluntary retirement, acceptance of such request was not valid.

We are of the view that in the present case, no interference is called for. The petitioners availed of all the benefits

and the mill itself had gone under liquidation on account of which VRS had been introduced. The recommendations in favour of the petitioners do not confer any right which could be enforced in this Court. Loss of employment is certainly unfortunate for the employees concerned but no direction in their favour is called for under Article 226 of the Constitution, in absence of an enforceable right. The judgment relied upon is on the interpretation of a different scheme referred to therein which itself provided for withdrawal of option and is, thus, distinguishable.

Accordingly, the writ petition is dismissed.

(Adarsh Kumar Goel)
Judge

July 12, 2007 (Ajai Lamba)
'gs' Judge